

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: AVANDIA MARKETING, SALES
PRACTICES AND PRODUCTS LIABILITY
LITIGATION**

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**MDL No. 1871
07-md-01871-CMR
HON. CYNTHIA M. RUFE**

**THIS DOCUMENT RELATES TO ALL
ACTIONS**

**FOURTEENTH REPORT AND RECOMMENDATION OF
THE SPECIAL MASTER AS TO MODIFICATION TO THE SCHEDULE FOR
INITIAL TRIAL POOL CASES**

In recognition that discovery and trial issues are most efficiently handled by the entry of pretrial orders, as stated in Pretrial Order No. 8, and in order to coordinate the scheduling deadlines set forth in Pretrial Order Nos. 100 and 104 with the modified schedule for the *Daubert/Frye* hearings set forth in Pretrial Order No. 105, after consultation with the parties, the Special Discovery Master recommends to the Court that the deadlines be slightly modified as follows:

Deadline for supplementing expert reports	August 2, 2010
Case-dispositive motions due	August 9, 2010
<i>Daubert/Frye</i> motions due	August 9, 2010
<i>Daubert/Frye</i> Responses due	August 23, 2010
<i>Daubert/Frye</i> Replies due	September 7, 2010
Joint <i>Daubert/Frye</i> hearings	September 20-22, 2010
Initial trial pool will commence	October 5, 2010

Gregory A. Burkhart, M.D., M.S. is GSK's regulatory expert and Suzanne Parisian, M.D. is one of plaintiffs' regulatory experts. The depositions of these two witnesses will be completed in August 2010. The Special Master recommends that the following schedule apply to *Daubert/Frye* briefing for Dr. Burkhart and Dr. Parisian:

<i>Daubert/Frye</i> motions due	August 27, 2010
<i>Daubert/Frye</i> responses due	September 10, 2010
<i>Daubert/Frye</i> replies due	September 17, 2010

On August 26, 2010, plaintiffs will make available for review by defense expert James R. Stone, M.D., Ph.D. the pathology slides described in the supplemental expert report of Judy Melinek, M.D., dated January 25, 2010. The parties intend to complete the deposition of Dr. Stone on August 27, 2010. The Special Master recommends that the following schedule apply to *Daubert* briefing for Dr. Stone and Dr. Melinek only:

<i>Daubert</i> Motions due	September 10, 2010
<i>Daubert</i> Responses due	September 17, 2010

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Pursuant to Pretrial Order Nos. 8 and 28, any party seeking to prevent this Report and Recommendation from taking effect must file with the Court an appeal in the form of a motion with the Court within ten (10) calendar days from the date this Report and Recommendation is filed with the Court, setting forth the relief requested. If no appeal is filed with the Court within the ten (10) day period, this Report and Recommendation will be deemed to be accepted by all parties and the Court will enter an appropriate Order.

Dated: July 23, 2010

/s/ Jerome J. Shestack
Jerome J. Shestack, Special Master

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CERTIFICATE OF SERVICE

I, Bruce P. Merenstein, hereby certify that on July 23, 2010, I caused to be electronically filed the foregoing **Fourteenth Report and Recommendation of the Special Master as to Modification to the Schedule for Initial Trial Pool Cases**. Through the Court's ECF system, this document is available for viewing and downloading.

/s/ Bruce P. Merenstein

Bruce P. Merenstein